

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 28, 2007

DIVISION ONE

B195633 Barrios (Not for Publication)
v.
Moore et al.

The order is affirmed. Respondent shall recover his costs of appeal.

Rothschild, J.

We concur: Mallano, Acting P J.
Vogel (Miriam A.), J.

B196282 In re Garcia (Not for Publication)
On
Habeas Corpus

The order is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B187101 People (Not for Publication)
v.
Moran

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B188471 People (Not for Publication)
v.
Mayo

The true finding as to the personal firearm-use allegation (§ 12022.53, subd. (b)) in count 6 is reversed. The judgment is modified to strike the 10-year enhancement imposed for the section 12022.53, subdivision (b) allegation in count 6. As so modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections and Rehabilitation.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION TWO (continued)

B194003 People (Not for Publication)

V.

Daniel

The judgment is modified to amend defendant's sentence in count 1 to a term of 59 years to life and to amend his sentence in count 2 to 53 years to life. In all other respects the judgment is affirmed. The superior court is ordered to correct the abstract of judgment to reflect the amended sentence and to forward a copy of the corrected abstract to the Department of Corrections and Rehabilitation.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B193238 People (Not for Publication)

V.

Reyna

The judgment is modified to strike the four-year enhancement imposed pursuant to section 186.22, subdivision (b)(1)(A), and require that defendant serve 15 years before parole eligibility, and to reflect that defendant shall be awarded a total of 518 days of actual presentence custody credit. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION TWO (continued)

B197355 Los Angeles County, D.C.S. (Not for Publication)
v.
Marissa O.

The juvenile court order terminating mother's parental rights to Manuel is reversed and the matter is remanded to the juvenile court with directions that the juvenile court shall direct DCFS to comply with the notice provisions of the ICWA. If Manuel is determined to be an Indian child, a new hearing shall be held. If he is determined not to be an Indian child, the order terminating parental rights shall be reinstated, subject to the juvenile court's consideration of any circumstances that may have arisen during this appeal that may affect the outcome.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Chavez, J.

B191905 Johnson (Not for Publication)
v.
Huynh

The judgment is affirmed. Respondent(s) to recover costs.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

DIVISION THREE

B187366 Muhammad (Not for Publication)
 v.
 Vargas, et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B196348 People (Not for Publication)
 v.
 Mock

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

B195739 Adebiyi (Not for Publication)
 v.
 Dynasty Dynamics, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.
 Suzukawa, J.

DIVISION FOUR (continued)

B188327 Fonseca et al. (Not for Publication)
B190399 v.
 Smolinisky et al.

B185294 Conquest Student Housing et al.
 v.
 Margarita Joners Restaurant et al.

The orders and the judgment as amended are affirmed. Plaintiffs shall
recover their costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

B190552 Redevelopment Agency of the (Certified for Publication)
 City of Long Beach
 v.
 Morales et al.

The order awarding litigation expenses is reversed and the cause remanded
for reconsideration consistent with the views expressed in this opinion.
Appellant is to have its costs on appeal

Epstein, P.J.

We concur: Manella, J.
 Suzukawa, J.

DIVISION FOUR (continued)

B194690 People (Not for Publication)
v.
Sun

The sentence on the section 12022.7, subdivision (e) enhancement is reversed. The matter is remanded. Upon remand, the trial court is directed to strike the section 12022.7, subdivision (e) enhancement and to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the actual sentence imposed, including the 1008 days of presentence custody credits, the stay of the section 12022.53, subdivision (b) enhancement, and the total sentence of 72 years to life. In all other respects, the judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION SIX

B194934 People (Not for Publication)
v.
Chavez

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (continued)

B194658 Papich (Not for Publication)

v.
Papich

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B192017 Midland Pacific Building Corporation (Certified for Publication)

v.
King

The judgment (order) is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B194581 King, et al., (Not for Publication)

v.
San Luis Obispo Superior Court
Midland Pacific Building Corporation

Accordingly, we grant the petition and direct the trial court to vacate its order denying the motion to expunge the lis pendens and enter a new and different order expunging the lis pendens. Costs to the Kings.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SIX (continued)

B192005 People
 v.
 Burchell

Filed order denying petition for rehearing.

DIVISION SEVEN

B196589 Cordero, Sr.
 v.
 Evans

B197973 Cordero, Jr.
 v.
 Evans

The above captioned appeals to be considered concurrently.

DIVISION EIGHT

Court convened at 9:10 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Connie Hon, Deputy Clerk.

Each of the following:

B194705 People v. Gray
B193962 People v. Maldonado
B197361 People v. Donado
B193002 People v. Carrasco
B197377 DCFS v. Elijah A.
B195517 People v. Joe F.
B192953 People v. Haynes
B195699 People v. Brewer

DIVISION EIGHT (continued)

Each of the following (continued):

B192737 DCFS v. Wanda W.

B197648 DCFS v. Beatriz S.

Argument waived, cause submitted.

B191118 Kaplan,
 v.
 Mamelak,

Oral argument continued to January 29, 2008, at 9:00 a.m.

B196907 Travis,
 v.
 Board of Trustees of California,

Oral argument continued to January 29, 2008, at 1:00 p.m.

Each of the following:

B193733 People v. Marquez

B193192 Armstrong v. Burbank Unified School

Oral argument continued to January 30, 2008, at 1:00 p.m.

B195711 People,
 v.
 Torres,

Matter taken off calendar.

DIVISION EIGHT (continued)

B194917 Stroud et al.,
 v.
 Tunzi,

Merits:

Argued by James T. Stroud for appellants and by Mark C. Sherwood for respondent. Cause submitted.

Egerton, J., left the bench.

B192375 Chavez,
 v.
 City Of Los Angeles,

Merits:

Argued by Rochelle E. Jackson for appellant and by Paul L. Winnemore, Deputy City Attorney for respondent. Cause submitted.

B190488 Fernandes,
 v.
 Southern California Edison Company,

Merits:

Argued by Douglas Silverstein for appellant and by William Davis Harn for respondent, appearance only, John Demarest for respondent. Cause submitted.

Egerton, J., returned to the bench.

Flier, J., left the bench.

DIVISION EIGHT (continued)

B182564 Markey III,
 v.
 Jonathan Club,

Merits:
Argued by Scott Spolin for appellant/respondent and by Roy Weatherup for respondent/appellant. Cause submitted.

Court recessed

Court reconvened at 1:10 p.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Connie Hon, Deputy Clerk.

B191092 Beroukhim et al.,
 v.
 American Automobile Association et al.,

Merits:
Argued by Martin N. Buchanan for appellants and by Kim L. Nguyen for respondents. Cause submitted.

B197556 People
 v.
 Luis R.,

Merits:
Argued by Jennifer McDonald, Deputy District Attorney for appellant and by Laini Melnick for respondent. Cause submitted.

B190203 People
 v.
 Medina

Merits:
Argued by Roberta Simon for appellant and by Robert C. Schneider, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (continued)

B190193 SP22 Inc., et al.,
 v.
 Yurdumyan et al.,

Merits:

Argued by Maro Burunsuzyan for appellants and by Steven M. Sepassi for respondents. Cause submitted.

Flier, J., left the bench.

B192927 Courtney et al.,
 v.
 City Of Redondo Beach,

Merits:

Argued by Cara L. Eisenberg for appellants and by Wayne D. Clayton for respondent. Cause submitted.

Court recessed.

Court reconvened at 3:15 p.m.

Present: Cooper, P.J., Rubin, J., Flier, J., and Connie Hon, Deputy Clerk.

B184873 Renfrew,
 v.
 Frazier et al.,

Merits:

Argued by Yvonne M. Renfrew appellant in propria persona and by James B. Kropff for respondents. Cause submitted.

Egerton, J. (Assigned) assumes the bench.

Rubin, J., left the bench.

November 28, 2007 (Continued)

DIVISION EIGHT (continued)

B186036 Densmore et al.,
v.
Manzarek et al.,

Merits:

Argued by Marc J. Poster for appellants and by S. Jerome Mandel and Jeffrey Forer for respondents. Cause submitted.

Court adjourned.

B191217 People (Certified for Publication)
v.
Lacefield

The judgment is reversed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B182898 Jhaveri et al., (Not for Publication)
v.
Teitelbaum et al.,

The judgment is modified by reducing prejudgment interest to \$595,905.20 (\$496,579.66 plus \$99,315.54) and, as so modified, the judgment is affirmed. Respondent is to recover costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (continued)

B191389 People
 v.
 Morales

Filed order vacating submission order of August 30, 2007. Cause resubmitted.

B187647 Horn
 v.
 Hoffman et al.,

Filed order vacating submission order of August 15, 2007. Cause resubmitted.

B189898 McCann et al.,
 v.
 Wheeler

Filed order vacating submission order of August 29, 2007. Cause resubmitted.